

# House File 444 - Introduced

HOUSE FILE 444  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 77)

## A BILL FOR

1 An Act providing for the licensure of genetic counselors,  
2 making penalties applicable, and including effective date  
3 and implementation provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code 2017,  
2 are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician  
4 and surgeon, podiatric physician, osteopathic physician and  
5 surgeon, genetic counselor, physician assistant, psychologist,  
6 chiropractor, nurse, dentist, dental hygienist, dental  
7 assistant, optometrist, speech pathologist, audiologist,  
8 pharmacist, physical therapist, physical therapist assistant,  
9 occupational therapist, occupational therapy assistant,  
10 orthotist, prosthetist, pedorthist, respiratory care  
11 practitioner, practitioner of cosmetology arts and sciences,  
12 practitioner of barbering, funeral director, dietitian, marital  
13 and family therapist, mental health counselor, respiratory  
14 care and polysomnography practitioner, polysomnographic  
15 technologist, social worker, massage therapist, athletic  
16 trainer, acupuncturist, nursing home administrator, hearing  
17 aid specialist, or sign language interpreter or transliterator  
18 means a person licensed under [this subtitle](#).

19 6. "*Profession*" means medicine and surgery, podiatry,  
20 osteopathic medicine and surgery, genetic counseling, practice  
21 as a physician assistant, psychology, chiropractic, nursing,  
22 dentistry, dental hygiene, dental assisting, optometry, speech  
23 pathology, audiology, pharmacy, physical therapy, physical  
24 therapist assisting, occupational therapy, occupational therapy  
25 assisting, respiratory care, cosmetology arts and sciences,  
26 barbering, mortuary science, marital and family therapy, mental  
27 health counseling, polysomnography, social work, dietetics,  
28 massage therapy, athletic training, acupuncture, nursing  
29 home administration, practice as a hearing aid specialist,  
30 sign language interpreting or transliterating, orthotics,  
31 prosthetics, or pedorthics.

32 Sec. 2. Section 147.2, subsection 1, Code 2017, is amended  
33 to read as follows:

34 1. A person shall not engage in the practice of medicine  
35 and surgery, podiatry, osteopathic medicine and surgery,

1 genetic counseling, psychology, chiropractic, physical  
 2 therapy, physical therapist assisting, nursing, dentistry,  
 3 dental hygiene, dental assisting, optometry, speech pathology,  
 4 audiology, occupational therapy, occupational therapy  
 5 assisting, orthotics, prosthetics, pedorthics, respiratory  
 6 care, pharmacy, cosmetology arts and sciences, barbering,  
 7 social work, dietetics, marital and family therapy or  
 8 mental health counseling, massage therapy, mortuary science,  
 9 polysomnography, athletic training, acupuncture, nursing  
 10 home administration, or sign language interpreting or  
 11 transliterating, or shall not practice as a physician assistant  
 12 or a hearing aid specialist, unless the person has obtained a  
 13 license for that purpose from the board for the profession.

14 Sec. 3. Section 147.13, subsection 1, Code 2017, is amended  
 15 to read as follows:

16 1. For medicine and surgery, osteopathic medicine and  
 17 surgery, ~~and~~ acupuncture, and genetic counseling, the board of  
 18 medicine.

19 Sec. 4. Section 147.74, Code 2017, is amended by adding the  
 20 following new subsection:

21 NEW SUBSECTION. 23A. A genetic counselor licensed under  
 22 chapter 148H may use the words "genetic counselor" or "licensed  
 23 genetic counselor" or corresponding abbreviations after the  
 24 person's name.

25 Sec. 5. NEW SECTION. 148H.1 **Definitions.**

26 1. "*Active candidate status*" means a person has met the  
 27 requirements established by the American board of genetic  
 28 counseling or its equivalent or successor organization to  
 29 take the American board of genetic counseling certification  
 30 examination in general genetics and genetic counseling or its  
 31 equivalent or successor examination and has been granted this  
 32 designation by the American board of genetic counseling or its  
 33 equivalent or successor organization.

34 2. "*Board*" means the board of medicine.

35 3. "*Genetic counseling*" means the provision of services by

1 an individual who qualifies for a license under this chapter.

2 4. "*Genetic counseling intern*" means a student enrolled in  
3 a genetic counseling program accredited by the accreditation  
4 council for genetic counseling or its equivalent or successor  
5 organization, the American board of medical genetics and  
6 genomics or its equivalent or successor organization.

7 5. "*Genetic counselor*" means an individual who is licensed  
8 under this chapter to engage in the practice of genetic  
9 counseling.

10 6. "*Qualified supervisor*" means any person who is a genetic  
11 counselor licensed under this chapter, a physician licensed  
12 under chapter 148, or an advanced registered nurse practitioner  
13 licensed under chapter 152.

14 7. "*Supervision*" means supervision by a qualified supervisor  
15 who has the overall responsibility of assessing the work of  
16 a provisional licensee, provided that an annual supervision  
17 contract signed by the qualified supervisor and the provisional  
18 licensee is on file with both parties. "*Supervision*" does  
19 not require the qualified supervisor's presence during the  
20 performance of services.

21 Sec. 6. NEW SECTION. 148H.2 **Scope of practice.**

22 A person licensed under this chapter may do any of the  
23 following:

24 1. Obtain and evaluate individual, family, and medical  
25 histories to determine genetic risk for genetic and medical  
26 conditions and diseases in a patient, the patient's offspring,  
27 and other family members.

28 2. Discuss the features, history, means of diagnosis,  
29 genetic and environmental factors, and management of risk for  
30 genetic and medical conditions and diseases.

31 3. Identify, order, and coordinate genetic laboratory tests  
32 and other diagnostic studies as appropriate for the genetic  
33 assessment of a patient.

34 4. Refer a patient to a specialty or subspecialty department  
35 as necessary for the purpose of collaborating on diagnosis and

1 treatment involving multiple body systems and general medical  
2 management.

3 5. Integrate genetic laboratory test results and other  
4 diagnostic studies with personal and family medical history to  
5 assess and communicate risk factors for genetic and medical  
6 conditions and diseases.

7 6. Explain the clinical implications of genetic laboratory  
8 tests and other diagnostic studies and their results.

9 7. Evaluate the responses of a patient or patient's  
10 family to the condition or risk of recurrence and provide  
11 patient-centered genetic counseling and anticipatory guidance.

12 8. Identify and utilize community resources that provide  
13 medical, educational, financial, and psychosocial support and  
14 advocacy.

15 9. Provide written documentation of medical, genetic,  
16 and counseling information for families and health care  
17 professionals.

18 Sec. 7. NEW SECTION. 148H.3 Qualifications for licensure —  
19 provisional licensure — fees.

20 1. Each applicant for licensure under this chapter shall:

21 a. Submit an application form as prescribed by the board.

22 b. Pay a licensing fee as determined by the board.

23 c. Provide satisfactory evidence of certification as a  
24 genetic counselor by the American board of genetic counseling  
25 or its equivalent or successor organization, the American board  
26 of medical genetics and genomics or its equivalent or successor  
27 organization, or as a medical geneticist by the American board  
28 of medical genetics and genomics or its equivalent or successor  
29 organization.

30 2. A license shall be issued for a two-year period upon  
31 payment of the licensing fee and shall be renewed upon the  
32 filing of a renewal application and renewal fee as prescribed  
33 by the board.

34 3. A licensee shall maintain active certification as a  
35 genetic counselor by the American board of genetic counseling

1 or its equivalent or successor organization, the American board  
2 of medical genetics and genomics or its equivalent or successor  
3 organization, or as a medical geneticist by the American  
4 board of medical genetics and genomics, or its equivalent or  
5 successor organization.

6 4. a. The board may issue a provisional license to an  
7 applicant who meets all of the requirements for licensure  
8 except for the certification component and who has been granted  
9 active candidate status by the American board of genetic  
10 counseling or its equivalent or successor organization.

11 b. The applicant shall submit a provisional license  
12 application form prescribed by the board and pay a fee as  
13 determined by the board.

14 c. A provisional license shall expire upon the earlier of  
15 issuance of a full license by the board or the loss of active  
16 candidate status from the American board of genetic counseling  
17 or its equivalent or successor organization by the holder of  
18 the provisional license.

19 d. A person with a provisional license shall only practice  
20 genetic counseling under the supervision of a qualified  
21 supervisor.

22 5. The fees established and collected by the board  
23 pursuant to this section shall be sufficient to administer the  
24 provisions of this chapter.

25 Sec. 8. NEW SECTION. 148H.4 Scope of chapter.

26 This chapter shall not be construed to apply to any of the  
27 following:

28 1. A physician or surgeon or an osteopathic physician or  
29 surgeon licensed under chapter 148, a registered nurse or an  
30 advanced registered nurse practitioner licensed under chapter  
31 152, a physician assistant licensed under chapter 148C, or  
32 other persons licensed under chapter 147 when acting within the  
33 scope of the person's profession and doing work of a nature  
34 consistent with the person's education and training.

35 2. A person who is certified by the American board of

1 medical genetics and genomics or its equivalent or successor  
2 organization as a doctor of philosophy and is not a genetic  
3 counselor licensed pursuant to this chapter.

4 3. A person employed as a genetic counselor by the federal  
5 government or an agency thereof if the person provides genetic  
6 counseling services solely under the direction and control of  
7 the entity by which the person is employed.

8 4. A genetic counseling intern.

9 Sec. 9. NEW SECTION. 148H.5 Continuing education.

10 An applicant for renewal of a license under this chapter  
11 shall submit satisfactory evidence to the board that in the  
12 period since the license was issued or last renewed, the  
13 applicant has completed thirty hours of national society of  
14 genetic counselors or its equivalent or successor organization  
15 or American board of medical genetics and genomics or its  
16 equivalent or successor organization continuing education units  
17 as approved by the board.

18 Sec. 10. NEW SECTION. 148H.6 Rules — authority of board.

19 The board shall adopt rules consistent with this chapter and  
20 chapters 147 and 148 which are necessary for the performance  
21 of its duties under this chapter. The board may consult with  
22 genetic counselors during an investigative or disciplinary  
23 proceeding as it deems necessary.

24 Sec. 11. NEW SECTION. 148H.7 Licensee discipline.

25 1. In addition to the grounds for revocation or suspension  
26 referred to in section 147.55 and in accordance with the  
27 disciplinary process established for the board by section  
28 148.6, the board may discipline a person licensed under this  
29 chapter who is guilty of any of the following acts or offenses:

30 a. Conviction of a felony under state or federal law or  
31 commission of any other offense involving moral turpitude.

32 b. Having been adjudged mentally ill or incompetent by a  
33 court of competent jurisdiction.

34 c. Engaging in unethical or unprofessional conduct including  
35 but not limited to negligence or incompetence in the course of

1 professional practice.

2     *d. Violating any lawful order, rule, or regulation rendered*  
3     *or adopted by the board.*

4 e. Having been refused issuance of or disciplined in  
5 connection with a license issued by any other jurisdiction.

2. A genetic counselor whose license is suspended or revoked  
or whose surrender of license with or without prejudice has  
been accepted by the board shall promptly deliver the original  
license to the board.

10       3. A provisional licensee who loses active candidate status  
11 with the American board of genetic counseling or its equivalent  
12 or successor organization shall surrender the provisional  
13 license to the board immediately.

14       Sec. 12.   EFFECTIVE DATE AND IMPLEMENTATION.   This Act shall  
15 take effect January 1, 2018, except that the board of medicine  
16 may begin implementation prior to that date, to the extent  
17 necessary to fully implement the provisions providing for the  
18 licensure of genetic counselors by January 1, 2018.

### EXPLANATION

20 The inclusion of this explanation does not constitute agreement with  
21 the explanation's substance by the members of the general assembly.

22 This bill provides for the licensure of genetic counselors.  
23 Under the bill, the board of medicine would be responsible  
24 for the licensure, discipline, and rulemaking relating to the  
25 practice of genetic counseling. The bill establishes a scope  
26 of practice for genetic counselors, provides requirements for  
27 licensure and continuing education, and includes licensee  
28 discipline provisions. The bill provides that persons not  
29 licensed under the bill, but who refer to themselves as genetic  
30 counselors or use other similar terms or abbreviations shall  
31 be guilty of a simple misdemeanor. A simple misdemeanor is  
32 punishable by confinement for no more than 30 days or a fine of  
33 at least \$65 but not more than \$625 or by both.

34 The bill takes effect January 1, 2018, except that the board  
35 of medicine may begin implementation before that date.